

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: CV 22-05836-AB (PLAx)

Date: November 30, 2022

Title: Andrew Allan James v. Capital One Financial Corporation et al

Present: The Honorable **ANDRÉ BIROTTÉ JR., United States District Judge**

Carla Badirian

N/A

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Appearing

Attorney(s) Present for Defendant(s):

None Appearing

Proceedings: **[In Chambers] Order To Show Cause Re: Dismissal for Lack of Prosecution**

Plaintiff(s) are **ORDERED** to show cause why this case should not be dismissed for lack of prosecution. *Link v. Wabash R. Co.*, 370 U.S. 626 (1962) (Court has inherent power to dismiss for lack of prosecution on its own motion).

The below time period(s) has not been met. Accordingly, the Court, on its own motion, orders Plaintiff(s) to show cause, in writing, **on or before December 16, 2022** why this action should not be dismissed for lack of prosecution. This matter will stand submitted upon the filing of Plaintiff(s) response. *See* Fed. R. Civ. P. 78. Failure to respond will be deemed consent to the dismissal of the action.

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a Defendant within 90 days after the complaint is filed. Plaintiff(s) have failed to file a proof of service within 90 days of the filing of the Complaint on the Defendant(s).

Plaintiff(s) can satisfy this order by showing that service was effectuated within the 90 day deadline or by showing good cause for the failure to do so. Fed. R. Civ. P. 4(m).

IT IS SO ORDERED.